

# MASON COUNTY PLANNING ADVISORY COMMISSION

March 24, 2014

*(This document is not intended to be a verbatim transcript.)*

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## 1. CALL TO ORDER

Chair Ken VanBuskirk called the meeting to order at 6:00 pm.

## 2. ROLL CALL

**Members present:** Rob Drexler, Vicki Wilson, Tim Duffy, Ken VanBuskirk and Bill Dewey.

Kristy Buck was excused.

**Staff present:** Barbara Adkins, Rebecca Hersha and Grace Miller.

**Department of Ecology:** Rick Mraz.

## 3. REGULAR BUSINESS

### Approval of Minutes

The minutes for November 18, 2013 were adopted as amended.

The minutes for March 10, 2014 were adopted as amended.

## 4. PUBLIC MEETING – SHORELINE MASTER PROGRAM UPDATE

Ken VanBuskirk reminded the public that this workshop is for discussion purposes in a public forum and, unlike public hearings, public participation is not a requirement. However, opportunities to comment will be provided as the PAC goes through their discussion. If a member of the public has a comment, you may raise your hand, and we'll have you come to the podium and identify yourself first. Ken noted that the PAC appreciates the public's attendance this evening.

### BOATING FACILITIES

Rebecca Hersha continued the discussion from the last meeting about docks and marinas referencing the document she prepared titled, "**Changes Recommended by PAC & Staff: Version 1 – Boating Facilities,**" dated 3/6/2014. She reminded the PAC that this document has rearranged the draft Boating Facilities chapter, by breaking it into smaller chapters and moving the docks, boat launches, buoys, boat lifts to the Shoreline Modification Activities section (17.50.065) of the draft SMP.

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### A. DOCKS AND UNATTACHED FLOATS *(continued from March 10<sup>th</sup>, 2014)*

#### **# 3. Residential Docks and Unattached Floats on Saltwater**, on page 10.

Rebecca Hersha noted that many of the changes to the saltwater regulations overlapped with the freshwater ones that were already discussed at the last meeting.

- Item #3(a), on page 10 -

Vicki Wilson felt that it should be deleted because the PAC had deleted that requirement for the freshwater docks. However, Rebecca explained that the wording in 3a requiring docks be of a pier, ramp, and float design essentially prohibits new marine docks to be entirely floating. We shouldn't allow floating marine docks because WDFW, WDNR, and the Army Corps will not authorize it. There was agreement that we keep 3(a).

- Item #3(d) –

Rebecca brought up the shapes and area allowed at the end of a marine dock would need to be agreed upon.

Rob Drexler offered that he would prefer not having letters as the allowable shapes for docks, and instead have wording that allows for boat slips with maximum square footage. Vicki questioned Rob why we would not have the L T and F's for marine docks, while having them for freshwater docks. Rob stated he was ok with it. There was agreement to add 'F' to the allowed shapes in saltwater.

Vicki pointed out that there hasn't yet been a final decision on, even for freshwater docks, what the maximum areas should be for the T's, L's, and F's to allow for a boat slip. At the last meeting, the PAC had asked Staff to draft some language with the allowed shapes and maximum areas for them to review.

Vicki passed out a page of notes where she had listed her main issues with the rest of this section. She questioned Staff why the width of piers and floats in the L, T, or F had different maximum widths, 6 feet for piers and 8 feet for floats. It seems like this is favoring floats. Rebecca replied that this is not the intent and explained that WDFW and USACE limit piers to 6 feet wide and floats to 8 feet wide, so Mason County has as well. Vicki acknowledged that the different width requirements now makes sense to her.

- Item #3(f), on page 11 -

There was agreement to add language, similar to what was added to the language for ramps in freshwater so that it would read,

***Ramps.*** *The width of the ramp connecting the pier and the float must not exceed 4 feet. The width of ramps may be up to 6 feet if wheelchair access is needed (and authorization has been obtained from WDFW).*

Vicki noted that 3.g(ii) duplicates language in 3(d). Rebecca responded that that will be fixed in the revised version she is working on, which she will be presenting to the PAC soon.

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- Item #3.g(iii) –

Rebecca pointed out that the square footage areas in the document she prepared are incorrect. 8 feet times 30 feet is 240 square feet, not 400. And 8 feet times 60 feet is 480 square feet, not 700.

### **# 4. Non-Residential Docks and Unattached Floats**, on page 12.

No concerns or objections were raised to this subpart of Staff's recommended changes which consisted of striking 'd' and 'e' because they refer to uses, not modifications, and addressed in the Recreational Development Chapter.

~~d. Public boating facilities shall provide restroom and sewage and solid waste disposal in compliance with applicable health regulations.~~

~~e. Public boating facilities shall be located and designed to prevent traffic hazards and minimize traffic impacts on nearby access streets.~~

### **B. BOAT LIFTS**, on page 12.

PAC agreed with Staff's minor change to terminology in #4 and agreed with Staff that #5 should refer to both state and federal listed species, not just federal.

### **C. MOORING BUOYS**, on page 13.

- Item #1 and #4 -

Bill Dewey noted that the language "shall be consistent with all applicable laws" and then "including the current National Shellfish Sanitation Program standards," is incorrect. The NSSP doesn't actually dictate mooring standards. Instead, if a certain number are installed in the vicinity of a shellfish bed, the area will be downgraded by the state Department of Health and closed for shellfish harvest. He recommended moving the terminology to item 4.

PAC agreed to the following revision for Item C(1) and C(4):

*1. The installation and use of mooring buoys in marine waters shall be consistent with all applicable federal and state laws including ~~WAC 246-282, the current National Shellfish Sanitation Program Standards (NSSP), and other state Departments of Fish & Wildlife, Health, and/or Natural Resources standards.~~*

*4. New buoys that would result in a closure of local shellfish beds for future harvest, per the National Shellfish Sanitation Program, shall be prohibited.*

- Item #5 -

For the first sentence, "no more than one mooring buoy for each waterfront lot shall be permitted unless greater need is demonstrated by the proponent and documented by the County," Vicki questioned whether Staff was receiving the information from applicants needed to determine that greater need has been demonstrated.

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Grace Miller replied that this is a new requirement in the draft SMP, not existing.

Vicki expressed that for some commercial operations, if you're in a high wind / high current area, it's actually better to have two buoys because it keeps your boat steady, and keeps anchor chains from dragging on the bottom. So environmentally it's actually a better thing.

PAC agreed with Staff that, actually the existing wording if "greater need is demonstrated by the proponent" adequately allows for approving the situation that Vicki spoke of.

### 7. **MARINAS**, on page 13 (of the document titled, "Changes Recommended by PAC & Staff: Version 1 (3/6/2014) – Boating Facilities.")

The next topic of discussion, Marinas, is within the Draft SMP's Use Regulations 17.50.060.

- Item #A –

Bill recommended changing the language to include more than just aquacultural harvest. The PAC agreed upon the following change:

*Marinas that provide overnight or long-term moorage shall not be located in areas with commercial ~~aquacultural~~, recreational, or subsistence shellfish harvest.*

Upon review of these minutes (on April 7, 2014), it was determined that "located in areas" was too vague, therefore PAC asked Staff to add more specific language pertaining to preventing the closure of shellfish beds:

*Marinas that provide overnight or long-term moorage shall not be located in areas ~~of that would result in a closure of commercial aquacultural, recreational, or subsistence shellfish harvest, per the National Shellfish Sanitation Program.~~*

- Item #E (Parking and Loading Areas), on page 13 -

Rebecca pointed out that there are a couple of provisions here that overlap with requirements already stated in the Recreational chapter. She explained that she does not think they conflict with the provisions in the Recreational Chapter but was not sure whether to keep these restated regulations.

The PAC recommended keeping #'s 1-6 in E.

- Item #E (should be F), on page 14 –

Ken referred to Staff's written comment for #E. The PAC agreed that it appears to be a mistake that #E only pertains to saltwater. It should apply to marinas in both saltwater and freshwater:

*New marinas, or expansion of existing ~~saltwater~~ marinas which provide moorage for more than ten boats, shall be required to be equipped with easily accessible vessel pump-out and shall provide on-shore sewage and waste disposal facilities. Each marina shall*

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*predominately display signs stating that sanitary discharge of wastes is prohibited.  
Deviation from pump-out requirements ~~on saltwater~~ shall require a Variance.*

Ken asked the audience if anyone would like to make a comment before they move on to beach access. There was no comment.

\*\*\*\*\*This concluded the review of the document containing regulations for covered moorage, boat houses, boat launches, docks, unattached floats, boat lifts, mooring buoys, and marinas.\*\*\*\*\*

### **BEACH ACCESS**

PAC moved on to the next agenda item, 4(b): Beach Access.

**Staff and the PAC members opened the Staff Report for Beach Access (total 5 pages), dated 2/27/2014.**

Rebecca explained that although Ecology has shoreline guidelines for public access, it does not have any on general beach access. There is no chapter pertaining to beach access in the existing SMP, but there was one policy and two regulations within the Piers/Docks chapter and the Bulkheads chapter. The draft Comprehensive Plan and SMP utilizes those existing policies and regulations and adds to them in a separate chapter titled, Beach Access.

She noted that beach access can range greatly from large stair towers along a bluff to a few steps from a terrace to the beach.

The PAC did not express any concerns with the Definitions, on page 3, or the Project Classification Table, on page 4.

### **Policies**

Ken expressed that he found the policies to be repetitive, which makes them lose their effectiveness. He felt that there were too many policies. Vicki agreed and added that she doesn't remember these policies were ever presented to the CAC for review or discussion. She recommended arranging them in a more logical flow from the big intent down to the smaller: for example #2, "Mason County should enable pedestrian access to beach area" is an overall principal that should come first.

Rick Mraz explained that there is potential for significant beach access development in Mason County, and considering Mason County has almost zero regulations to address these, additional policies and regulations make sense. Particularly, the requirement of not allowing stairways that would cause a situation where the shoreline would need to be stabilized and trying to be considerate of esthetics while not harming ecological processes.

Vicki said she has noticed that in Mason County most lots already have some sort of beach access. Rick noted that when property owners who currently have method of getting to the

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beach seek to construct a more sophisticated access such as a stair tower, that will be reviewed as new development.

The PAC asked Rebecca to revise the policies, moving #2 to #1, and to reduce the redundancy.

### Regulations

Vicki asked why the Staff Report does not show the changes from the existing SMP per the January 2013 draft. Rebecca explained that the PAC had asked her to only show the recommended changes to the January 2013 draft, so that it was easier to read.

Vicki asked if we could have public comment before continuing with the beach access discussion so that the PAC could have their comments in mind as they discuss the topic. Ken asked if there was any public comment at this time, and there was not.

- Item #1, on page 5 –

Vicki pointed out that #1 doesn't actually say that every beach access requires a habitat management plan – just if there are unavoidable impacts – but that Staff's comments state it is recommended we alert the reader that an HMP is required for beach access structures. Rebecca acknowledged the problem and stated she would change #1 to read:

*Beach access structures shall be located, designed, and operated consistent with mitigation sequencing and shall avoid a net loss of shoreline ecological functions. A Habitat Management Plan, as detailed in the Resource Ordinance MCC 8.52, is required to assess and mitigate for unavoidable impacts. Unavoidable impacts shall be mitigated for in a Habitat Management Plan as detailed in the Resource Ordinance MCC 8.52.*

- Item #3, on page 5 -

Rebecca explained that she added a clarification that these beach access structures can be in the buffer and setback without a variance, and that we will make sure the resource ordinance addresses that as well. The PAC agreed that this clarification makes sense.

- Item #3(a) –

Vicki asked if the language “the width of any walkway, staircase, landing, tower or tram” could be simplified by replacing it with “the width of any beach access structure.” Rebecca nodded in agreement. Vicki also asked if the last sentence “The total width of residential stairs and walkways shall not exceed 5 feet” should address whether the structure needs to be engineered and whether an engineer says 5 feet isn't wide enough to be safe. The question was also raised on whether 5' by 5' (25 square feet) was large enough for landings.

Rick stated that he has not found 5 feet to too small of a width for a stairway to be safe, and that these standards are based on stuff that has been approved in the past. Locally, especially in Jefferson County in the last 2 years, he's seen about 12 of the large ones, and they all get built very similarly. However, it is a good question for the small ones, but if someone proposed and came forward with a compelling reason to have 6 feet by 30 feet landing and they had an engineer signed stamped approval that said this is something I have to do because of structural needs and safety, then they could apply for a variance. Rick further explained that the intent

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here for limiting the landing to 25 square feet is to help you get to the beach and not turn into above-water over-the-cliff party deck.

The concept and definition of landing was questioned by the Rob. Rebecca asked if we should add 'Landing' to the definitions in the SMP. Ken stated he thinks it is needed. Ken agreed with the concern that a 5' by 5' landing seems too small, and that most existing ones are much larger. Rick offered that the size requirement is an attempt to minimize the overwater structure.

*Public Comment:* Darrel Wells, a member of the public, provided comment that if landings are limited to 25 square feet, you have no other way of turning 90, or 180 degrees to come back the other way. You have to at least double that size then and go to 50 feet. Otherwise more landings would be needed because you could only do a fewer number of stairs. Vicki agreed that one would not be able to turn around if the landing is limited to 25 square feet. Rick stated that all the landings he's seen have not exceeded 25 square feet.

Rob stated that one would need at least 3 feet at the bottom of a stair to step down and turn. Darrel Wells agreed, stating that the building code requires at least 3 feet for residential and 4 feet for commercial.

Rebecca asked whether a 10' by 10' landing would be needed for some stair towers. Rick answered that he doesn't think so – that is larger than any that he has seen.

Bill questioned the size limitation, stating that we are not engineers. Vicki asked if we need to have that sentence limiting the size of landings. Rebecca explained that she recommended adding the last sentence to address a problem she's experienced where applicants propose large landings that really are decks, which block neighbors' views and seems unfair considering residences and their decks need to meet the common line setback. Having an actual dimension rather than the term "the minimum necessary" can save time and confusion for both applicants and review staff.

Rick offered to do some research on landings that were designed and approved in Jefferson County within the last few years. The PAC confirmed that this research would be useful.

Ken recommended that we omit a square footage requirement and instead use wording such as "the minimum necessary to make the turn."

*Public Comment:* Bob Sinclair (Mason Lake) asked if the 25 square foot maximum allowed for two 25 square foot landings next to each other – one at the bottom of a flight a stairs and an adjacent one before going down the next flight of stairs.

Rebecca answered 'no' to Bob Sinclair's question, and stated that Rick is going to do some research on landing sizes and she would check with our building plans examiners and the International Residential Code.

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- Item #3(b) -

Rebecca noted a typo in the Beach Access Staff Report. Where it states, “a tram shall not extend more than 12 vertical feet above the bank or slope” should be part 3(b) and the 3(b) should be 3(c).

Bill questioned whether 12 feet is enough height above the slope and pointed out that this height may cause someone to have to cut vegetation to get their tram or stairs close to the ground.

Rebecca asked if it would resolve the issue to change it to “average” slope, “a tram shall not extend more than 12 vertical feet above the bank or average slope”.

*Public Comment:* Eric Schallon (Green Diamond Resources Company) stated that he is a logging engineer, and if you go really short, the consequence may be more towers due to the deflection at the mid span because of the sag of the wires.

Grace Miller stated that it’s the top of the bank, so if you’re neighbor looks out across his bank, and sees a tram taller than 12 feet, it impedes view and aesthetics.

Bill felt that if the neighbor has the correct setback from the bluff, they’re not going to see a tram going down.

To resolve this issue, Rebecca then recommended deleting the 12 foot requirement as measured from the slope, but keeping it for the top of the bank. The PAC agreed with the recommendation for the #3(b) to read:

*A tram shall not extend more than twelve vertical feet above the top of the bank ~~or slope~~;  
and...*

- Item #3(c) –

Rebecca stated that the second sentence in #4 pertains to landing platforms that are water-ward of the ordinary high water mark. It is limiting landings to 25 square feet, the same as in #3(a), but also requiring that they can only be supported by piers or piles.

Bill asked what the difference is between piers and piles. Rebecca was not sure if there was any difference.

Vicky stated that she thinks of piers as being different than piles; Pier implies that it runs out a ways, and pilings are for landings only.

Rob Drexler added that he thinks this is inferring to a pier block as a foundation element because pier block would be under the dock.

Rob recommended that “pier” be changed to “pier block.” Vicki asked Rick if he could research this term per the unified building code. Rick affirmed that he probably could.



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Rebecca noted that there is some overlap between 3(a) and 3(c) that she could clean up.

Rob asked if pier block are even allowed on the beach or in the water. Rick answered that yes they are allowed.

- Item #4 –

Rebecca noted that the restriction requiring subdivisions of greater than 4 lots prohibit individual beach access is similar to the requirement for docks.

- Item #5 -

Vicki Wilson asked how many people would you have to hire to provide the information in a through d. She wanted to make sure we understood what we would be requiring of someone wanting to build a set of stairs down to the beach. She wondered if the regulation should reference the Resource Ordinance's Landslide Hazard Areas chapter rather than spelling it out again in the SMP.

Rebecca felt this was a good idea except that the proposed wording goes further than the Landslide Hazard Area chapter by requiring, for beach access water-ward of ordinary high, an analysis of the potential impacts to coastal processes like net shore drift, sediment transport, and mass wasting.

Rob stated that he actually likes that this is all spelled out.

There was some discussion regarding the thresh-hold for a substantial development permit of about \$6,000. Vicki noted that a stairway with just 10 steps could exceed that threshold.

Vicki warned that by asking somebody to spend more on analysis than the stairs are going to cost, the result may be people skirting around this.

Rebecca noted that it doesn't state that a professional needs to be hired to provide this information, but she agreed that it is implied because most people do not have the educational background to provide credible information regarding landslide hazards, erosion, drainage, and coastal processes.

Bill stated that he thinks it seems logical have some sort of a threshold based on the scale of the project or if it's in an unstable slope situation or have something that's better defined so staff and the proponent can understand. If he was in this situation he'd wonder if he would have to hire experts. He said that whether or not it qualifies for a shoreline exemption could be the trigger for requiring consultants to provide this information.

Rebecca wondered whether the term 'permit' in #4 included shoreline exemptions, which are technically not permits. Rick answered that technically a shoreline exemption is not a permit, however all exemptions have to be consistent with the policies and use regs. It's an interesting conundrum the way it's worded.

Rick assessed that, based on the way that #1 is worded, Habitat Management Plan is required for all beach access structures. So that would address at least 5(c) and could address 5(d). (a) and (b) are probably only relevant to landslide hazard areas. You might be able to tease those

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two out when you hit that threshold and have those be applicable when in a geologically hazardous area because that could include a few different kinds of geo hazards. It was decided by the PAC that Rebecca should revise #5 so that (a) and (b) are required only when it's located in a landslide hazard area, and then delete (c) and (d) because they're already addressed in #1.

Ken stated that he would like the SMP to be user friendly for the people that come in and apply for a permit, but #5 is confusing. He recommended that we strike #5.

Rick stated that the requirements in #5 don't necessarily make a lot of sense for projects that would be relatively small. It would be just an academic exercise, or government exercise in those circumstances.

Bill wondered if it made sense to combine 1 and 5. Rebecca said that she is not fond of the idea of combining #1 and #5 because #1 is meant to deal with habitat and most of 5 is meant to deal with geology and geomorphology.

Ken recommended that we strike #5 except for the first sentence.

Bill stated that he likes the list and the information in #5 because it provides what the expectations are but would like the expectations to be clearer, like when professionals are required to provide the information.

Rebecca Hersha recommended that we add "if a beach access proposal requires a geotechnical report per the Landslide Hazard Areas Chapter of the Resource Ordinance, in addition to the standard report requirements, the following shall be addressed in the report: the structure's potential effect on shoreline processes such as net shoreline drift and sediment transport." Grace liked the idea.

The group agreed with the recommendation as well as moving #5 to underneath #1 so that it would read:

*#1. Beach access structures shall be located, designed, and operated consistent with mitigation sequencing and shall avoid a net loss of shoreline ecological functions. A Habitat Management Plan, as detailed in the Resource Ordinance MCC 8.52, is required to assess and mitigate for unavoidable impacts. Unavoidable impacts shall be mitigated for in a Habitat Management Plan as detailed in the Resource Ordinance MCC 8.52.*

*#2. If a beach access proposal requires a geotechnical report per the Landslide Hazard Areas Chapter of the Resource Ordinance, in addition to the standard report requirements, the following shall be addressed in the report: the structure's potential effect on shoreline processes such as net shoreline drift and sediment transport.*

*~~Prior to approving a permit for a beach access structure, the County shall require the project proponent to demonstrate that the project is consistent with the Program. Information to be provided by the proponent will include:~~*

- ~~a. Existing conditions at the site related to erosion, slope stability, drainage, vegetation, and coastal processes;~~*
- ~~b. Probable effects of the structure on the stability of the site over time;~~*

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- ~~c. Potential effects of the structure on ecological functions and shoreline processes such as net shoreline drift, sediment transport, mass wasting, and erosion;~~
- ~~d. Potential conflicts of the structure with adjacent water dependent uses.~~

Ken asked the public attendees whether they had any additional comments.

*Public Comment:* Jim Reece (Mason Lake) said that he's still a bit concerned a bit about the length of docks, but he thinks it has been resolved. He still isn't sure why the width of docks cannot be 8 feet. He thinks we came to some conclusion about the area allowed for the letter shapes at the end of docks. He noted that he did not receive an email prior to this meeting, like he normally does. And he's not sure if there's a web site with the latest updates. He asked if it was known when the next draft of the PAC changes to the Boating Facilities chapter will be produced.

Jim Reece read out loud some proposed wording of his for a preamble for the grandfathering, "Mason County will permit existing shoreline uses to continue as they are and to be repaired or replaced with the same configuration (envelope) of uses as long as they are repaired/replaced using the then current building codes and material in the structural integrity. Consider using GSI as of the date the revised SMP is enacted as the benchmark".

Rebecca answered that next draft will be completed soon and confirmed that she would distribute a copy of Jim Reece's proposed language to the PAC. She relayed that the website is updated with the agenda for the upcoming meeting and the supporting documents.

## **5. NEW BUSINESS**

Barbara Adkins provided the committee an update regarding the Comp. Plan. The Comp Plan is a two year process and is due June 30<sup>th</sup>, 2016. She advised we will apply for \$48,000 in grant funding for the first year, beginning June 30<sup>th</sup>, 2014. The grant application is due to the Department of Commerce on April 11<sup>th</sup>, 2014. Then after that first year, we will apply for the second year of grant funding. We will be going through every single piece of the Comprehensive Plan and identify whatever the inconsistencies might be. After which public meetings will be held for further discussion. Discussion was also had about attending a class specific to Comp Plan updates.

## **6. ADJOURNMENT**

Meeting adjourned at 8:10 p.m. Next meeting scheduled for April 7<sup>th</sup>, 2014.